REMARKS

Claims 29 and 30 have been amended to depend from claim 2. Claims 2-32, 35 and 36 are pending in the application.

Applicant acknowledges and appreciates that the Examiner has allowed claims 2-11 and 28. However, the Examiner maintains that claims 12-27, 29-32, 35 and 36 are unpatentable over a combination of at least ***Samson*** (US 5,881,102) and ***Wiese*** (US 6,434,119). In particular, the Examiner asserts that independent claims 12 and 21 are not structurally distinguishable over the cited references. In support, the Examiner cites to MPEP 2181. The Applicants respectfully traverse the rejection.

For ease, claim 21 is discussed first. Claim 21 is directed to a system that comprises a first transceiver and a second transceiver. The second transceiver is capable of establishing a communication channel with the first transceiver in a low power mode; determining the training parameter in response to establishing the communication channel in the low power mode; performing training based at least on the training parameter; and providing the training parameter to the first transceiver.

In the Office Action, the Examiner concedes that the cited references do not teach the claimed acts of determining a training parameter, performing training, and/or providing the training parameter to the first transceiver. *See* Office Action, p. 2. According to the Examiner, these acts alone, however, are not sufficient to distinguish the claimed apparatus from the prior art references. Rather, according to the Examiner, section 2181 of the MPEP requires that the structure itself must be distinguishable from the prior art. The Examiner's rejection is problematic for several reasons.

First, section 2181 of the MPEP applies to "means-plus-function" claims drafted pursuant Section 112, paragraph 6. In this case, neither claim 21 nor claim 12 is drafted in means-plus-function format. As such, section 2181 is wholly inapplicable to these claims. Neither claim 21 nor claim 12 includes "means for" language, and thus both claims are presumed **not** to be subject to section 112, ¶ 6. In contrast, claim 28, which has been allowed, includes elements recited in means-plus-function format. Because claims 12 and 21 are not subject to section 112, paragraph 6, the Examiner's reliance on section 2181 of the MPEP is misplaced.

Importantly, even if section 2181 were somehow applicable (and it is not), this section does not support the Examiner's contention that the functional language recited in the claims alone is not sufficient to distinguish the prior art but rather the recited "structure" must also be distinguishable. To the contrary, this section states that the functional language in and of itself is sufficient to distinguish prior art. *See* MPEP, Section 2818 (stating "[u]nder the PTO's long-standing practice this meant interpreting such a limitation [means plus function limitation] as reading on any prior art means or step which performed the function specified in the claim without regard for whether the prior art means or step was equivalent to the corresponding structure, material or acts described in the specification") (emphasis added). As such, putting aside the fact that section 2181 does not apply to claims 12 and 21, this section, contrary to the Examiner's position, indicates that the recited functional language is sufficient to distinguish prior art. In the present case, there is no dispute that the various acts recited in claims 12 and 21 are not taught or suggested by the cited references. As such, these claims, as well as the remaining claims, are allowable.

In light of the arguments presented above, Applicant respectfully asserts that all claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

The Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4064.

Respectfully submitted,

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